

# MEMO ENDORSED

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VIA EMAIL - NATHANNYSDCHAMBERS@NYSD.USCOURTS.GOV

March 26, 2012

Honorable Alison J. Nathan  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 615  
New York, New York 10007

Re: *Chambers v. Merrill Lynch & Co.*, 10-cv-07109 (AJN)

Dear Judge Nathan:

I represent plaintiffs in the above-referenced action. Pursuant to a scheduling order entered by this Court on December 14, 2011, the deadline for filing plaintiffs' motion for class certification is March 30, 2012. I write to seek the Court's permission to file a memorandum of law in excess of 25 pages in connection with this motion.

As set forth in *In re Initial Public Offerings Securities Litigation*, 471 F.3d 24 (2d Cir. 2007), the class certification inquiry requires the Court to resolve factual disputes, if any, relevant to each element of Rule 23 and may require the Court to address merits issues where such issues overlap with the requirements of Fed.R.Civ.P. 23. In this case, plaintiffs believe that there is substantial overlap between the Rule 23 inquiry and the merits of plaintiffs' claims, so that a fairly extensive development of the facts of the case in plaintiffs' moving papers will assist the Court in deciding the motion. Moreover, these facts are complex and plaintiffs believe that additional pages are necessary in order properly to set them before the Court. Accordingly, plaintiffs request leave to file a memorandum of law of up to 50 pages in support of their motion for class certification and further request that defendants similarly be given leave to file a memorandum of up to 50 pages in opposition to that motion.

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AJN

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We have conferred with counsel for defendants, who has consented to this request.

Respectfully,

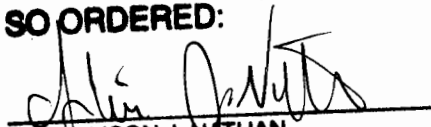


Andrea Bierstein

cc: Catherine S. Ryan, Esq.  
Mary J. Hackett, Esq.

The application is granted. However, the parties are urged to be as brief as possible.

7/27/12  
**SO ORDERED:**

  
**HON. ALISON J. NATHAN**  
**UNITED STATES DISTRICT JUDGE**